

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

ANDREW ROMEO JOHNSON,

Plaintiff,

v.

CASE NO. 4:10cv513-MP-WCS

WARDEN PIPPEN,

Defendant.

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**ORDER**

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated October 21, 2011. (Doc. 31). The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a *de novo* determination of any timely filed objections.

Having considered the Report and Recommendation, and any objections thereto timely filed, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is now ORDERED as follows:

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.
2. Defendant's motion to dismiss (doc. 27) is GRANTED.
3. Plaintiff's amended complaint (doc. 7) is DISMISSED without prejudice for failure to exhaust administrative remedies pursuant to 42 U.S.C. § 1997(e) and for abuse of the judicial process. The dismissal of this case shall count as a strike pursuant to 28 U.S.C. § 1915(g).

**DONE and ORDERED** this 17th day of February, 2012.

*sl M. Casey Rodgers*  
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**M. CASEY RODGERS  
CHIEF UNITED STATES DISTRICT JUDGE**